

**REMARKS**

Claim 2 is canceled without prejudice. Claim 3 was previously canceled. The remaining claims have been amended as set forth in the claim recitations. Furthermore, new claim 8 has been added. Thus, claims 1 and 4-8 stand for consideration in this application.

**Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasai (USP 4,866,687).**

Kasai is directed to a system of optical disk storage for accessing an intended track on a disk through course and fine actuators. More specifically, the Office Action, on page 3, suggests that Figs. 2-4, 11 and column 6, lines 4-52 disclose the disk apparatus of the claims. In comparing claim 1 (as amended) to Kasai, it is clear that Figs. 2 and 3 do not illustrate the “track determiner” for determining whether the jump is to be made to a land or groove. For example, Figs. 2b and 2c illustrate a tracking signal 52 and reflection intensity signal 51, which are 90° out of phase with one another. However, neither Figs. 2a, 2b, 2c nor Fig. 3 show a “track determiner” which determines whether the jump ends on a land or groove.

On the other hand, Fig. 3 of the instant application clearly shows a target position with a clear indication as to whether it is a land or groove. This supports the language of claim 1.

Furthermore, none of Figs. 2-4 or 11 of Kasai show that the level determination of the zero-cross signal is done “prior to starting the jump” or “just prior to applying the brake.” There is no language in column 6 that refers to determining the zero-cross signal prior to starting the jump or just prior to applying the brake.

AMENDMENT

Serial No. 09/650,757

Attorney Docket No. 001111

Additionally, claim 1, as amended, indicates that the incrementer increments the count value based on the determination of the “level determiner” and the “track determiner”. Specifically, claim 1 recites the following:

a track determiner for determining to which one jump is to be made of a land or a groove; and  
an incrementer for incrementing the count value of said counter depending upon the level of the tracking zero-cross signal determined by said level determiner and a determining result by said track determiner.

For example, the counter 104 and Figs. 3 and 4 of Kasai count up and down on the basis of the reflection intensity signal 51 and the tracking signal 52. There is no input from a “track determiner” as recited in amended claim 1.

Additionally, it should be noted that the track determiner is a means for determining or predicting, prior to a jump or applying the brake, whether a track after the jump will be a land or a groove, on the assumption that no count error due to varying offset occurs. This is illustrated in steps S13 (Fig. 4) and Step S25 (Fig. 5). On the other hand, Kasai relates to a technique in which the number of tracks actually jumped is counted by counting up or down the number of the track cross signals in accordance with the moving direction. Thus, it is clear, that Kasai does not disclose, nor suggest the claimed track determiner, but instead counts the number of tracks which have already been jumped. The claimed track determiner determines this prior to beginning of the jump or prior to applying the brake.

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In view of the amendments to the claims and the remarks set forth above, applicant submits that the above rejection has been overcome and that claims 1 and 4-8 are allowable. Accordingly, it is respectfully requested that the rejection be withdrawn and that claims be allowed.

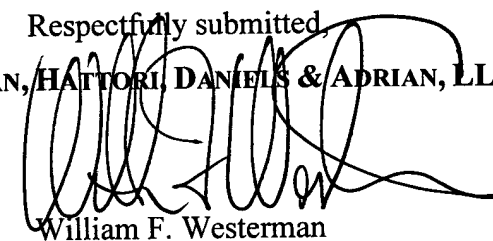
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicant would be desirable to place the application in condition for allowance; the Examiner is encouraged to telephone applicant's undersigned attorney.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A large, stylized handwritten signature in black ink, appearing to read 'W. F. Westerman', is written over the printed name and firm name.

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